

REMARKS

This communication is responsive to the Office Action dated May 9, 2003. A Request for Continued Examination is filed concurrently herewith.

The Examiner maintains the rejection of claims 8 and 11-13 under 35 U.S.C. §102(b) as being anticipated by Houston, U.S. Patent No. 5,692,892. The Examiner states that Houston discloses a regenerative thermal oxidizer comprising a combustion zone 19, a first heat exchange bed 13 containing heat exchange media and in communication with the combustion zone 19, a second heat exchange bed 14 containing heat exchange media and in communication with the combustion zone 19, means 21 for causing gas to flow into the duct, a valve 12 for alternating the flow of gas between the first and second heat exchange beds, the valve comprising a radial duct 47 enclosed by an outer housing (outer wall of 39), a ring seal 39 having a bore adapted to allow gas flow to or from the duct and form a seal with the housing, valve ports 31, 32 connected to the first and second heat exchange beds, respectively, inlet and outlet manifolds 51, 52, and drive means 41 for rotating the valve.

The Examiner states that Applicant's previous argument that Houston does not disclose the seal structure including a chamber defined between the seal ring 664 and housing 659, distributing groove 145 and the housing 659, arc 663 and the housing 659, and mounting ring 091 and the housing 659 is not commensurate in scope with the claims. However, the foregoing language is used in

Applicant's previous response to clarify the structure of the instant device compared to the device of Houston. Specifically, the language quoted by the Examiner was set forth to point out where the corresponding "chamber" in Applicant's device is defined. The distinction between the claims and Houston relied upon was the radial duct enclosed by an outer housing, which is commensurate in scope with the claims.

Applicant respectfully submits that that distinction still exists. The Examiner is now referring to the outer wall of element 39 as enclosing radial duct 47. However, element 39 is the seal structure itself; it is not an outer housing that together with the radial duct forms a pressurized seal. Moreover, Houston does not disclose or suggest a ring seal in fluid communication with the radial duct and having a bore adapted to allow gas flow to or from the radial duct as recited in claim 8.

Nevertheless, in order to further define the instant invention and expedite allowance of all claims, claim 8 has been further amended to recite additional structural limitations of the valve that are not disclosed or suggested by Houston. Thus, claim 8 as amended recites a retainer ring coupled to the rotating valve and a mounting ring coupled to the rotating valve, with the seal ring positioned in between. Support for the amendment can be found in Figure 11 and in the specification at pages 21-23. Houston nowhere discloses or suggests such structure.

The Examiner also maintains the rejection of claims 8-13 under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,261,092. The Examiner states that although the '092 patent is silent as to whether the radial duct may be enclosed by the housing, such is inherent therein to hold all elements of the seal in place.

The rejection is respectfully traversed.


The only claims of the '092 patent that even remotely relate to the instant claims are claims 5 and 6. Accordingly, the rejection over claims 1-4 and 7-10 is clearly improper and should be withdrawn.

With respect to claim 5, that claim is specific to the embodiment illustrated in Figure 11 of the '092 patent, and recites an outer ring seal, an inner ring seal spaced from the outer ring seal and having a plurality of bores, and at least one piston ring positioned in a respective one of the plurality of bores and biasing against the outer ring seal. Nowhere does claim 5 disclose or suggest the presence of a ring that has a bore to allow the gas flow to or from the radial duct as recited in the instant claims. Moreover, claim 8 as amended now recites additional limitations of the seal assembly that are also not disclosed or suggested in the '092 claims.

New claims 15 and 16 have been added to further define the invention.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,


Kevin S. Lemack

Reg. No. 32,579

176 E. Main Street - Suite 7

Westboro, Massachusetts 01581

TEL: (508) 898-1818